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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,704	06/23/2003	Kohei Koshida	01306.000098	5743
5514	7590	01/13/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				GLEITZ, RYAN M
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

S/P

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/600,704	KOSHIDA, KOHEI
	Examiner	Art Unit
	Ryan Gleitz	2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 November 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 and 6-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 and 6-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “guide member” (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 has been amended to recite “a guide member” and to further limit the image forming unit so that it “can be detachably attached with said guide member.” From the disclosure, It is not clear what component of Applicant’s invention corresponds to a guide member, or if, how and when it is attached. The Specification does not disclose a guide member for supporting attachment and detachment of the image forming unit.

The only mention of a guide in the entire disclose is found on p. 8, line 9 of the specification and reads, “[t]he process cartridge 1 can be inserted along the guide from an upper portion when attached.” One of ordinary skill in the art would not have determined that a separate and distinct guide member existed because this passage implies that the guide is a function of the upper portion. Even if one of ordinary skill in the art would have read this passage in such a way to teach a separate guide member, one of ordinary skill in the art would not have understood that guide member to be detachably attached with the image forming unit as claimed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Haneda et al. (JP 3-84837 U).

The publication discloses an image forming apparatus including an image forming unit having an image bearing member (1) capable of being detachably attached to a main body. An intermediate transfer member (118) is disposed at a upper position and to which the image is transferred.

Recording material conveying means (123) is for conveying a recording material along a conveyance route. Transfer means (119B and 122) transfers the image to a recording material.

A second openable portion (130) on an upper face hold the intermediate transfer member (118). A first openable portion (140A) is on a side of the main body and exposes the conveyance route. Transfer means (122) is held by the first openable portion (140A). See figure 4.

Reference numeral (241) in figure 5 indicates a guide member for supporting attachment and detachment of the image forming unit.

Figure 6 shows that the image forming unit is *capable* of being attached and detached by the guide member through an opening formed when the second openable portion (140A) is closed and the first openable portion (130) is opened.

Regarding claims 2 and 3, first openable portion (130) has a first rotary shaft (129) as a center, and second openable portion (140A) has second rotary shaft (129A) as a center, each shaft is parallel to the conveyance surface and perpendicular to a conveyance direction, and positioned so that the first and second openable portion move away from each other when opened.

Regarding claim 4, figure 4 shows that the intermediate transfer member (118) and the second openable portion (130) are structured in a unified body.

Regarding claim 6, figures 4 and 6 show that the image forming unit is attachable and detachable in vertical direction.

Regarding claim 8, figure 4 shows a conveyance means (123) is a pair of rollers, one held by the main body and one held by the first openable portion.

Regarding claim 10, fixing means (116) is held by the first openable portion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda et al. (JP 3-84837 U) in view of Kumon et al. (JP 07-181815).

Haneda et al. disclose the image forming apparatus above, but discloses a corona transfer member (122) rather than a contact transfer member.

However, Kumon et al. disclose a contact transfer roller (5) to make ozone generation low. See abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the corona transfer member with the contact transfer roller taught by Kumon et al. to avoid the problem of ozone generation. Abstract, lines 1-3.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda et al. (JP 3-84837 U) in view of Morita et al. (JP 03-271754).

Haneda et al. disclose the image forming apparatus above, but does not disclose that the fixing means is held by the second openable portion.

However, Morita et al. disclose an image forming apparatus having first and second openable portions, as shown in figure 5, including a fixing means (18). Part of the fixing means is held by the second openable portion (162).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image forming apparatus with the divided fixing unit taught by Morita et al. The suggestion for doing so would have been that the divided fixing unit would facilitate remove jammed papers in the fixing unit.

#### *Response to Arguments*

Applicant's arguments filed 30 November 2005 (Response) have been fully considered but they are not persuasive.

Applicant submits that the drawings need not comply with 37 CFR 1.83(a) because “[t]he specific physical make-up of the guide would be within the skill of an ordinarily skilled artisan and need not be shown in the drawings.” Response, p. 6, lines 12-15. However, 37 CFR 1.83(a) requires that “[t]he drawing in a nonprovisional application must show every feature of the invention specified in the claims.” Therefore, if Applicant continues to recite “a guide member” in the claims, then such a feature must be shown in the drawings.

With respect to the 35 USC 112, first paragraph rejection, Applicant submits that a guide is clearly described at page 8, line 9 of the original specification. Response, p. 6, lines 11. The cited portion reads as follows:

The process cartridge 1 can be inserted along the guide from an upper portion when attached, so that no space is needed for forming a sliding mechanism for pulling out and inserting the process cartridge from a side surface of the apparatus body, and so that with a simpler structure, the apparatus can be made in a not large size and the costs can be reduced.

One of ordinary skill in the art would not have determined that a separate and distinct guide member existed because this passage implies that the guide is a function of the upper portion. Even if one of ordinary skill in the art would have read this passage in such a way to teach a separate guide member, one of ordinary skill in the art would not have understood that guide member to be detachably attached with the image forming unit as claimed.

It is not clear what component of Applicant's invention corresponds to a guide member, or if, how and when it is attached. The Specification does not disclose a guide member for supporting attachment and detachment of the image forming unit.

Regarding the art rejections, Applicant submits that figure 6 of JP '837 does not depict a first openable portion disposed on a side surface and openable to expose a conveyance route. Response, p. 8, lines 3-8. However, these features are shown by figure 4. Figure 4 also shows an embodiment that would be capable of allowing that the image forming unit can be detachable attached with a guide member through an opening formed by the second openable portion when the first openable portion is closed. The translation of JP '837 at page 1, lines 20-22, describes that figures 4 and 6 are not different embodiments.

#### *Contact Information*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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rg



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